

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SCOTT PHILLIP LEWIS,

Plaintiff,

-v-

8:24-CV-29

CITIZEN ADVOCATES, INC.,

Defendant.

APPEARANCES:

OF COUNSEL:

SCOTT PHILLIP LEWIS

Plaintiff, Pro Se

1936 Saranac Avenue

#3, PMB 411

Lake Placid, NY 12946

DAVID N. HURD

United States District Judge

ORDER ON REPORT & RECOMMENDATION

On January 8, 2024, *pro se* plaintiff Scott Phillip Lewis (“plaintiff”) filed this civil action alleging that defendant violated his rights under two federal disability statutes. Dkt. No. 1. Along with his complaint, plaintiff moved for leave to proceed *in forma pauperis* (“IFP Application”). Dkt. No. 3.

On February 22, 2024, U.S. Magistrate Judge Daniel J. Stewart granted plaintiff’s IFP Application, Dkt. No. 12, conducted an initial review of the

pleading, and advised by Report & Recommendation (“R&R”) that plaintiff’s complaint be dismissed with leave to amend. Dkt. No. 13. As Judge Stewart explained, plaintiff’s pleading failed to allege sufficient factual matter from which to determine whether defendant plausibly denied plaintiff “access to goods and services” under the relevant governing law. *Id.*

Plaintiff did not lodge objections to Judge Stewart’s February 22, 2024 R&R. Instead, he filed two appeals from Judge Stewart’s non-dispositive case management orders. Dkt. No. 15, 19. Plaintiff also moved for leave to file a first amended complaint. Dkt. No. 20.

On April 16, 2024, this Court accepted Judge Stewart’s February 22, 2024 R&R, rejected plaintiff’s appeals, granted plaintiff’s motion for leave to file a first amended complaint, and referred the newly amended pleading to Judge Stewart for an initial review. Dkt. Nos. 22, 23.

On August 15, 2024, Judge Stewart reviewed the amended pleading and advised by R&R that plaintiff’s second complaint—which is “in all respects identical to the original Complaint except that it changes the identity of the named Defendant in the caption from Citizens United, Inc. to Citizen Advocates, Inc.—remained subject to dismissal for substantially the same reasons he had previously articulated. Dkt. No. 24.

Plaintiff has not lodged objections, and the time period in which to do so has expired. *See* Dkt. No. 24. Thus, upon review for clear error, the R&R is accepted and will be adopted. *See* FED R. CIV. P. 72(b).

Therefore, it is

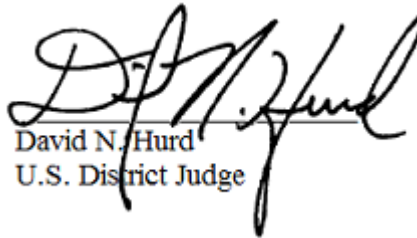
ORDERED that

1. The Report & Recommendation (Dkt. No. 24) is ACCEPTED; and
2. Plaintiff's first amended complaint is DISMISSED.

The Clerk of the Court is directed to terminate the pending motion, enter a judgment accordingly, and close the file.

IT IS SO ORDERED.

Dated: September 10, 2024
Utica, New York.



David N. Hurd
U.S. District Judge